

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

M.A. & U.D. (M1) Department - The Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the Sanctioned Plan Rules 2007- Hon'ble High Court Orders in W.P.No.1069 of 2008 and batch cases dated 08.06.2009 – Amendments - orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M1) DEPARTMENT

G.O.Ms.No.395

Dated:17.06.2009

Read the following:

1. G.OMs.No.901, MA&UD (M1) Dept dated: 1.12.2007
2. G.OMs.No.112, MA&UD (M1) Dept dated: 1.01.2008
3. G.OMs.No.02, MA&UD (M1) Dept dated: 2.01.2008
4. Hon'ble High Court Orders in W.P.No.1069 of 2008 and batch cases dated 08.06.2009

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ORDER:

In the reference 1st cited above, Government have issued orders in Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the sanction plan rules 2007. Government vide reference 2nd cited above, issued certain amendments to the above rules. Hon'ble High Court in W.P.No.1069 of 2008 and batch cases filed against the Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the Sanctioned Plan Rules 2007 issued vide GOs 1st & 2nd read above, while upholding the said Rules, and disposing the said writ petitions, the Hon'ble High court issued certain directions to the Government in its order dated: 08.06.2009 in reference 4th above.

2. Government after careful examination of the matter hereby issue the following Amendments and further orders in partial modification to the said Rules and existing orders and instructions issued vide GOs 1st to 3rd read above:

AMENDMENTS

1. The Rule 4 (c), issued vide G.O.Ms.No.901, MA&UD (M1) Department Dated: 31.12.2007 shall be substituted namely:

"For all buildings, irrespective of its height, necessary certificate of structural safety compliance of the said building shall be submitted from a licensed structural Engineer".

2. In Rule 9 (h), issued vide G.OMs.No.901, MA&UD (M1) Department, Dated: 31.12.2007 for the words "Areas earmarked for Recreation Use in Mater Plan / Zonal Development Plan" shall be substituted with the words "Areas earmarked for open spaces irrespective of any use in Master Plan / Zonal Development Plan"

3. The Rule 9 (i), issued vide of G.O.Ms.No.901, MA&UD (M1) Dept, Dated:31.12.2007, which was deleted in G.O.Ms.No.112, MA&UD (M1) Department dated: 31.01.2008 is hereby restored.

4. The Rule 11, issued vide G.O.Ms.No.901, MA&UD (M1) Department dt: 31.12.2007 shall be substituted as follows:-

"(1) Any applicant / objector or a third party aggrieved by an order passed by the Competent Authority under Rule 6, may prefer an appeal to the Committee constituted by the Government within thirty days from the date of receipt of the order provided the applicant has paid all the necessary charges and submitted documents as specified in Rule 3 of these rules".

5. Constitution of Committees:

Under Rule 14, issued vide G.O. 1st read above and in super session of G.O 3rd read above, Government hereby constitute State Level Monitory Committee and Appellate Committee comprised with the following officials namely:

(A) Monitoring Committee:-

- (i) Sri. M. Prasad Rao – I.A.S (Retd) – Lead consultant SPIU and former Commissioner & Director of Municipal Administration – Chairman
- (ii) Director, Town & Country planning – Member
- (iii) Professor, Architecture & Urban Planning, School of Planning and Architecture, JNTU, Hyderabad – Member
- (iv) Director, (Planning), HMDA, Hyderabad – Member
- (v) Additional Director of Municipal Administration office, C&DMA, Hyderabad – Member
- (vi) Officer on Special Duty, MA&UD Department – Member-Convener
- (vii) Chief City Planner, GHMC – Member

The Monitoring committee shall ensure compliance of the provisions and rules relating to Penalization and disposal of the cases and the said committee shall submit report on the work done at every interval of 6 months to Principal Secretary to Government M.A & U.D department and basing on the report of the Monitoring committee appropriate remedial action shall be taken by the Government.

(B) Appellate Committees:

(1) (a) For GHMC Area

- (i) Commissioner & Special Officer, Greater Hyderabad Municipal Corporation, Hyderabad – Chairman
- (ii) Chief Engineer (Public Health), – Member
- (iii) Director of Town & Country Planning, Hyderabad – Member
- (iv) Chief City Planner(GHMC) – Member-Convener
- (v) Commissioner and Director of Municipal Administration, A.P. Hyderabad – Member

(b) For HMDA Area:

- (i) Metropolitan Commissioner Hyderabad Metropolitan Development Authority, Hyderabad – Chairman
- (ii) Chief Engineer (Public Health) – Member
- (iii) Director of Town & Country Planning – Member
- (iv) Director(planning)(HMDA) – Member- Convener
- (v) Commissioner and Director of Municipal Administration, A.P. Hyderabad – Member

(2) For other Municipal Corporations/Municipalities:

- (i) Regional Deputy Director, Town Planning – Member
- (ii) Regional Director, Municipal Administration – Chairman
- (iii) Superintendent Engineer (Public Health) – Member
- (iv) Municipal Commissioner – Member – Convener

(3) Other UDAs:

- (i) Vice Chairman, Urban Development Authority -Chairman (also convener for Grampanchayats falling in Urban Development Authority Areas)

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- (ii) Municipal Commissioner (for the respective Municipality /Corporation) – Member – Convener
- (iii) Superintendent Engineer (Public Health) – Member (Respective Jurisdiction)
- (iv) Regional Deputy Director, Town Planning – Member (Respective Jurisdiction)

The Appellate Committee is the appellate authority for reviewing the decisions of the competent authority and disposal of objections received under Rule 11.

3. All the Commissioners of Municipal Corporations / Municipalities and Vice-Chairmen's of UDAs are requested to follow the above orders while disposing the applications received under Building Penalization Scheme.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**DR.C.V.S.K.SARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner and Director, Printing , Stationery and Stores Purchase A.P. Hyderabad (in duplicate, with a request to publish the in the Extraordinary Gazette of A.P. dated 18-6-2009 and furnish 1000 copies to Government)

The Commissioner & Special Officer, GHMC, Hyderabad.

The Director of Town and Country Planning, A.P. Hyderabad.

The Commissioner and Director of Municipal Administration, A.P. Hyderabad.

The Metropolitan Commissioner, HMDA, Hyderabad.

The Commissioners of all Municipal Corporations/ Municipalities in the State, through CDMA.

The Vice-Chairmen's of all Urban Development Authorities in the State
All the Committee Members.

All Departments of Secretariat

All Heads of Department.

The Director General Fire Services.

The Chairperson, AP Transco.

The Managing Director, H.M.W.S&S.B, Hyderabad.

The Engineer in Chief (Public Health) Hyderabad.

The Commissioner & Inspector General of Registration & Stamps.

The Managing Director, AP Housing Board.

The District Collectors of all Districts.

Copy to:

The Special Secretary to Chief Minister.

The P.S. to Minister (M.A).

The P.S. to Principal Secretary to Government (MA&UD Dept)

The P.S. to Secretary to Government (MA&UD Dept)

S.F/S.C.//

//FORWARDED BY ORDER//

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M) DEPARTMENT

Memo.No.26270/M1/2005

Dated: 17.06.2009

Sub: - BPS Scheme - The Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the Sanctioned Plan Rules 2007- Hon'ble High Court Orders in W.P.No.1069 of 2008 and batch cases dated 08.06.2009 - Implementation - Certain Instructions - Issued.

Ref: - 1. G.OMs.No.901, MA&UD (M1) Dept dt: 1.12.2007
2. G.OMs.No.112, MA&UD (M1) Dept dt: 1.01.2008
3.G.OMs.No.02, MA&UD (M1) Dept dt: 2.01.2008
4. Hon'ble High Court Orders in W.P.No.1069 of 2008 and batch cases dated 08.06.2009
5. G.OMs.No.395, MA&UD (M1) Department dated: 17.06.2009

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In the reference 5th cited above, Government have issued orders amending the Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the Sanctioned Plan Rules 2007 as per the directions of Hon'ble High Court in W.P.No.1069 of 2008 and batch cases in its order dated 08.06.2009.

2. Accordingly, Government hereby issue the following instructions and guidelines to process and for the disposal of BPS applications pending with the competent authorities as follows:

- 1.** For all category of buildings, filed under BPS, irrespective of the height, the applicant shall submit a certificate from a licensed structural engineer with regard to structural safety compliance of such buildings. The proforma of certificate is appended to this order in Annexure.
- 2.** The qualifications of the structural engineer as prescribed in National Building Code, Rule A.2.3 shall be followed for issuing licenses for Structural Engineer as detailed below;

Qualifications and Competence of Structural Engineer (A.2.3 of NBC):

The minimum qualifications for a structural engineer shall be graduate in civil engineering of recognized Indian or Foreign university, or Corporate Member of Civil Engineering Division of Institution of Engineers (India), and with minimum 3 years experience in structural engineering practice with designing and field work.

(Note – The 3 years experience shall be relaxed to 2 years in the case of post-graduate degree of recognized Indian or foreign university in the branch of structural engineering. In case of doctorate in structural engineering, the experience required would be one year).

- 3.** The Municipalities / UDA's shall take necessary steps for licensing as many qualified Engineers as possible as structural Engineers and issue license to them within their limits. They shall (i) publish a notification in the press calling for applications from eligible engineers so as to issue license to them as structural Engineer and (ii) to immediately notify, the list of licensed structural engineers for the benefit of public.

4. The Building Penalization Scheme shall not be applicable to certain sites as per Rules amended vide GO 5th cited i.e.(i) layout / master plan open spaces/ areas earmarked for all open spaces for any use in master plan / zonal development plan (ii) Buildings that are not in conformity with land use approved in master plan / zonal development plan. Hence, all the BPS applications falling in the above category shall be rejected.

5. While communicating the balance penal amount to be paid, the applicants shall also be informed about the submission of structural stability certificate.

6. The sanctioning authority shall verify whether any objections has been received on the building under reference and shall consider and dispose the objections before issue of final orders.

7. As per the amendments issued vide reference 5th cited, any person can make an appeal or object to appellate authority on the orders passed by the competent authority. While issuing the orders for BPS, it shall be mentioned that the said orders are provisional and are subject to disposal of appeal / objections if any by the concerned appellate authority

3. All the Commissioners of Municipal Corporations / Municipalities Vice-Chairmen's of UDAs are instructed to follow these instructions and guidelines, strictly and dispose the applications received under Building Penalization Scheme as expeditiously as possible. .

**DR.C.V.S.K.SARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
All the Commissioners of Municipal Corporations / Municipalities/UDAs in the State.
The Commissioner & Special Officer, GHMC, Hyderabad.
The Director of Town and Country, Planning, A.P. Hyderabad.
The Commissioner and Director of Municipal Administration, A.P. Hyderabad.
The Metropolitan Commissioner, Hyderabad Metro Development Authority, Hyderabad
The Commissioners of all Municipal Corporations/ Municipalities in the State, through Commissioner & Director f Municipal Administration, A.P Hyderabad.
The Vice chairman's of all Urban Development Authorities in the State
The Director General Fire Services.
The Chairperson, AP Transco.
The Managing Director, Hyderabad Metro Water Supply & Sewerage Board, Hyderabad.
All members of Appellate Committees.
The Engineer in Chief (Public Health) Hyderabad.
The Commissioner & Inspector General of Registration & Stamps.
The Managing Director, AP Housing Board.
The District Collectors of all Districts.
Copy to :
The Special Secretary to Chief Minister.
The P.S. to Minister (M.A).
The P.S. to Principal Secretary to Government (MA&UD Dept)
The P.S.to Secretary to Government (M.A&U.D.Dept)
S.F/S.C.//

// FORWARDED BY ORDER//

SECTION OFFICER

A N N E X U R E

(to the Memo.No.26270/M1/2005 Dated: 17.06.2009)

CERTIFICATE

1. I have inspected the building in Premises No. -----
of ----- and found that the building has -----
number of Floors and a height of ----- meters.

2. I have thoroughly inspected the said building and found
that no adverse indications about the structural weakness or
impairment in the building.

3. I therefore hereby certify that the said building is
structurally safe as on date.

Date:-----